

IN THE UNITED STATES DISTRICT COURT FOR
THE NORTHERN DISTRICT OF OKLAHOMA

FILED

MAY 13 2010

Phil Lombardi, Clerk
U.S. DISTRICT COURT

1) UNITED STATES OF AMERICA,)
ex rel. the Department of Housing and)
Urban Development)
Plaintiff,)
v.)

CIVIL ACTION NO.

10 CV - 309 CVE TLW

1) KANDRA BROOKS)
Defendant.)

COMPLAINT

The Plaintiff, the United States of America ex rel. the Department of Housing and Urban Development (hereinafter the "United States"), by Thomas Scott Woodward, United States Attorney for the Northern District of Oklahoma, and through Phil Pinnell, Assistant United States Attorney, for its Complaint against Kandra Brooks ("Brooks") alleges and states:

INTRODUCTION

This is an action for damages and civil penalties under the False Claims Act, 31 U.S.C. §§3729 *et seq.* and, in the alternative, under common law for unjust enrichment. This action arises from the conduct of Brooks in knowingly and willfully making false claims by misrepresenting her income in order to receive Section 8 housing benefits to which she was not entitled.

JURISDICTION, VENUE & THE PARTIES

1. The United States brings this action on behalf of the Department of Housing

(12/5/10)
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and Urban Development, a federal agency, pursuant to 31 U.S.C. §§3729 *et seq.* ("False Claims Act"). This action is instituted with the approval of the Attorney General of the United States and jurisdiction is conferred upon this Court pursuant to 28 U.S.C. §1345.

2. A substantial part of the events giving rise to the claims described therein occurred within the Northern District of Oklahoma. 28 U.S.C. §1391.

THE MISCONDUCT

3. At all times herein pertinent, Brooks was receiving Section 8 housing assistance benefits.

4. From November, 2004 through January, 2008, Brooks misrepresented her income while continuing to claim and receive Section 8 housing assistance benefits.

5. As a result of misrepresenting her income, Brooks received Section 8 housing assistance benefits to which she was not entitled in the total amount of \$6,756.00

COUNT I **VIOLATIONS OF THE FALSE CLAIMS ACT, 31 U.S.C. §§ 3729 *et seq.***

7. The Plaintiff adopts and incorporates by reference the allegations set forth in paragraphs one through six as though set forth in full at this place.

8. Brooks knew or should have known that she was not entitled to the Section 8 housing assistance benefits that she was receiving. Each payment she accepted during the time she misrepresented her income represented a false claim in violation of the False Claims Act and a separate count for purposes of this complaint. The United States is entitled to reimbursement for the amount of the overpayments in actual

damages plus penalties and costs.

9. The amount of the actual damages the United States suffered as a result of Brooks's false claims is \$6,756.00.

10. Pursuant to the False Claims Act, Brooks is liable to the United States for civil penalties of not less than \$5,500.00 and not more than \$11,000.00 for each false claim plus three times the amount of actual damages which the United States sustained.

COUNT II
UNJUST ENRICHMENT

11. The Plaintiff adopts and incorporates by reference the allegations set forth in paragraphs one through ten above as though fully set forth at this place.

12. Because of violations of the False Claims Act, the United States has paid monies to Brooks that she was not entitled to receive.

13. Brooks has therefore been unjustly enriched, and the United States has been damaged in the amount of \$6,756.00.

14. The United States is entitled to restitution for the full amount of overpayment.

WHEREFORE, the United States prays that judgment be entered against Brooks, as follows:

Under Count I

1. For actual damages in the amount of \$6,756.00;
2. For a penalty between \$5,500.00 and \$11,000.00 per each false claim;
3. For the costs of suit incurred herein;
4. For all interest allowed by law; and;

5. For such other and further relief as the Court deems just and proper.

Under Count II

1. For the sum of \$6,756.00, the amount by which the defendant was unjustly enriched and the plaintiff was damaged;.
2. For the costs of suit incurred herein;
3. For all interest allowed by law; and;
4. For such other and further relief as the Court deems just and proper.

Date: May 5, 2010

Respectfully,

Thomas Scott Woodward
United States Attorney



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